

**Minutes
Williamson County
Board of Zoning Appeals
April 26, 2007**

Members Present

Dave Ausbrooks, Chairman
Ed Jagers, Co-Chairman
Steve Wherley, Secretary

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Bobby Cook, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on April 26, 2007, in the Auditorium of the Williamson County Administrative Complex. Chairman Dave Ausbrooks opened the meeting with a public statement that he read stating that the Board of Zoning Appeals is made up of five citizens nominated as Board members by the County Mayor. One member is a Planning Commissioner, one member may be a County Commissioner and the remaining members are not otherwise connected with County Government. He went on to say the Board will hear from anyone who has anything to say to the Board relevant to the request at hand. However, the Board will not view or hear anything that does not have direct bearing on the item being heard. He requested that all comments be addressed to the Board.

Chairman Ausbrooks then asked the members to consider the minutes. Ed Jagers made the motion to approve the minutes of the March 22, 2007, meeting as printed, and Steve Wherley seconded the motion. The motion was unanimously approved.

ITEM 1

A request by Robert H. Lee for an variance to allow a second dwelling at 2023 Maple Lane. The property is zoned Suburban Estate and is located in the 4th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized for the aerial view of the property and site plan. Lee Sanders indicated to the Board the location of the unapproved apartment. He stated the apartment was formerly a garage and was converted into an apartment without zoning approval. Mr. Sanders stated that if a fire hydrant was placed within 1,000 ft., the Planning staff could approve the second dwelling site. However, the only waterline capable of fire hydrant flows is 2,500 ft. away. Thus, a variance is being sought. Mr. Sanders presented to the Board two different letters from adjoining property owners, stating their view of the request. Mr. Sanders stated that, if approved, the unit would have to be brought up to building code standards.

Chairman Ausbrooks asked staff what it would take to bring the structure up to building code standards.

Mr. Sanders read to the Board a letter from Garman Engineering Company stating everything that would be necessary to bring the structure up to residential code.

Mr. & Mrs. Robert H. Lee represented the item. Mr. Lee stated his daughter got a divorce and needed a place to live. Mrs. Lee stated their grandchild has cerebral palsy. She stated that she and her husband are doing everything the engineer has asked them to do in order to meet codes. Mrs. Lee stated they got a permit for the bathroom, but Mr. Lee had a stroke and they completed the work without inspections, and let the permit expire.

Chairman Ausbrooks opened the meeting to the public.

There being no one to speak, he closed the public hearing.

Ed Jagers asked staff if a fire hydrant would help solve the problem.

Mr. Sanders stated staff would be able to approve the request if a fire hydrant was within 1,000 ft. The water line must be a minimum six inch line. However, Maple Lane waterline is only four inch, and it is 2,500 feet to Murfreesboro Road's big waterline and 2,700 feet to Wilson Pike waterline.

Steve Wherley asked if there had ever been a similar request approved considering the distance between the home and a fire hydrant.

No one could recall there being such request approved.

Mrs. Lee stated there was a swimming pool between the dwellings that could be used in case of fire.

Chairman Ausbrooks stated a swimming pool is not an acceptable alternative for a fire hydrant. He stated the structure also is not safe for a residence, according to the engineer's report.

Mr. Sanders stated once all codes were approved, staff could approve the apartment as a second dwelling if it was 100 feet from the main house, but it is not. Mr. Sanders stated if the dwelling was 750 sq. ft. or less, the Lees would not have to meet the 100 foot separation, but it would have to meet building codes and be approved by this Board.

Steve Wherley made a motion to deny the request to vary the distance between the two dwellings. He stated this request does not meet the requirements of Section 9601. Ed Jagers seconded the motion. Motion was approved by a 2 - 1 vote. Steve Wherley and Ed Jagers voted yes, and Chairman Ausbrooks voted no.

ITEM 2

A request by Linda Wheeler for a setback variance to allow an addition at 7745 Pinewood Road. The property is zoned Rural and is located in the 1st district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized for the aerial view of the property and site plan. Lee Sanders indicated to the Board the proposed location for the addition. He stated the site is located on Pinewood Road just past Bradford Road and is listed as tract four. Mr. Sanders stated the house was built in 1983 and the Wheelers purchased the property in 2000.

Linda and John Wheeler represented the item. She stated the septic project with new field lines and tanks are waiting to be approved. She stated placing the addition closer to the property line would not be a detriment to the neighbors. Ms. Wheeler stated the small addition would make the home more livable. She stated there was no where else to place the addition.

Chairman Ausbrooks opened the public hearing.

There being no one to speak, he closed the public hearing.

Chairman Ausbrooks asked the applicant about the significant large trees around the house.

Ms. Wheeler stated the property lines are formed by gullies and are tree lined with undergrowth. She stated the gullies form a Y shape at the rear of their lot.

Ed Jagers asked Ms. Wheeler if the house is split level.

Ms. Wheeler stated yes. She stated that basically the house was built with the topography layout of the land.

Steve Wherley made a motion to approve the request. He stated that due to the topographical and septic issues, along with the existing trees, that this request meets the requirements of Section 9601 of the zoning ordinance. Ed Jagers seconded the motion. Motion was approved by unanimous voice vote.

ITEM 3

A request by Kelly Klippenstein for a variance to place a horse barn in the front yard on 4.63 acres at 440 Whistler Cove. The property is zoned Suburban Estate and is located in the 5th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized for the aerial view of the property and site plan. Lee Sanders indicated to the Board the proposed location of the barn. Mr. Sanders presented to the Board a letter from a neighbor in support of the applicant's request. He stated staff received a phone call from another neighbor who did not support the request and was planning to send to staff a letter stating

their disapproval. Mr. Sanders stated staff never received the letter. He stated the request is for a four stall barn and due to the topography, the barn would need to be placed in the front yard.

Kelly and Kim Klippenstein represented the item. Ms. Klippenstein stated the neighborhood was in support of their request for the barn. She presented to the Board a listing of signatures from various neighbors stating their approval. She also presented to the Board photos of other nearby sites with barns in the front yard and sideyards. Ms. Klippenstein stated the back of their property has steep topography. She stated the covenant does not state you cannot have a barn.

Chairman Ausbrooks opened the meeting to the public.

Dale Womack, an adjoining property owner at 430 Whistler Cove, stated he was in favor of the request. He stated the Klippensteins would be able to use his front yard for pasture for the horse.

There being no one else to speak, Chairman Ausbrooks closed the public hearing.

Chairman Ausbrooks asked staff when the land survey was completed.

Linda Hodges stated the plat was signed signed for Section 1 in 1999 and Section 2 was signed in 2003.

Chairman Ausbrooks made a motion to approve the request, stating it meets the requirements of Section 9601 due to the topography and the placement of the septic lines. Ed Jagers seconded the motion. Motion was approved by unanimous voice vote.

There being no further business to come before the Board, meeting was adjourned.

Secretary's Signature

Date